

Cliff Fonstein
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Attorneys for Defendant
Deutsche Bank Securities Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DANIEL B. GRAVES,

: 07 Civ. 5471 (BSJ)

Plaintiff,

: **AFFIRMATION**

- against -

DEUTSCHE BANK SECURITIES INC.,

Defendant.

:

X

CLIFF FONSTEIN, an attorney at law duly authorized to practice before the courts of the State of New York, affirms under penalty of perjury:

1. I am a member of Sidley Austin LLP, counsel for defendants, Deutsche Bank Securities Inc. ("DBSI"). As such, I am fully familiar with the facts and circumstances of the instant action.
2. A true and correct copy of the Complaint filed by Daniel B. Graves ("Graves") in this action on June 8, 2007, is attached hereto as Exhibit A.
3. A true and correct copy of the Report attached to DBSI's EEOC Position Statement as Exhibit C, dated January 15, 2003, is attached hereto as Exhibit B.

4. A true and correct copy of the Report attached to DBSI's EEOC Position Statement as Exhibit F, dated January 8, 2004, is attached hereto as Exhibit C.
5. A true and correct copy of the letter from DBSI to Graves, dated June 25, 2007, is attached hereto as Exhibit D.
6. A true and correct copy of the letter from Graves to DBSI, dated June 26, 2007, is attached hereto as Exhibit E.
7. True and correct copies of the relevant pages of Defendant's Memorandum of Law in Support of its Motion for Partial Dismissal of the Complaint and to Strike Portions of the Complaint, filed on July 3, 2007, are attached collectively hereto as Exhibit F.
8. True and correct copies of the relevant pages of Plaintiff's Memorandum in Opposition to Defendant's Motion for Partial Dismissal of the Complaint and to Strike Portions of the Complaint, filed on July 18, 2007, are attached collectively hereto as Exhibit G.
9. A true and correct copy of the letter from DBSI to Graves, dated July 20, 2007, attaching the email from Sue Hoffman to Graves, dated August 22, 2002, and the Report dated July 29, 2002, is attached hereto as Exhibit H.
10. A true and correct copy of the letter from Graves to DBSI, dated July 23, 2007, is attached hereto as Exhibit I.
11. True and correct copies of the Reports produced to Graves on February 21, 2008, Bates stamped DB 000411 to DB 000836, with the accompanying letter from DBSI to Graves, are attached collectively hereto as Exhibit J.
12. A true and correct copy of the letter from DBSI to Graves, dated March 12, 2008, with the attached GCF Controllers procedures and systems, is attached hereto as Exhibit K.

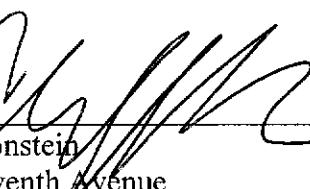
13. A true and correct copy of the letter from Graves to DBSI, dated March 18, 2008, is attached hereto as Exhibit L.

14. A true and correct copy of the letter from DBSI to Graves, dated April 2, 2008, is attached hereto as Exhibit M.

Dated: New York, New York
May 5, 2008

SIDLEY AUSTIN LLP

By:


Cliff Ponstein
787 Seventh Avenue
New York, New York 10019

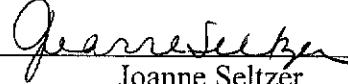
Attorneys for Defendant
Deutsche Bank Securities Inc.

CERTIFICATE OF SERVICE

I, Joanne Seltzer, an attorney admitted to practice in the State of New York, and not a party to this action, state under penalty of perjury that on the 6th day of May, 2008, I caused a true and correct copy of the foregoing Affirmation of Cliff Fonstein to be served upon the following:

Richard T. Seymour
Law Office of Richard T. Seymour, PLLC
1150 Connecticut Avenue, NW, Suite 900
Washington, D.C. 20036-4129
(by Federal Express overnight delivery)

Steven A. Berger
Berger & Webb, LLP
1633 Broadway, 46th Floor
New York, New York 10019
(by hand)



Joanne Seltzer